



Docket No.: 1330.1020C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

James G. FRANCIS et al.

Serial No. 10/801,832

Group Art Unit: 3693

Confirmation No. 3139

Filed: March 17, 2004

Examiner: Jagdish N. Patel

For: DISTRIBUTED, OBJECT ORIENTED GLOBAL TRADE FINANCE SYSTEM WITH  
IMBEDDED IMAGING AND WORK FLOW AND REFERENCE DATA

**APPEAL BRIEF UNDER 37 C.F.R. § 41.37**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

A Notice of Appeal was filed in connection with this application on November 8, 2010, so that an Appeal Brief under 37 C.F.R. § 41.37 is due on January 10, 2011 (January 8, 2011 being a Saturday.) The Appeal Brief is submitted herewith.

If there are any additional fees associated with filing of this Appeal Brief, please charge the same to our Deposit Account No. 19-3935.

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**I. REAL PARTY IN INTEREST**

The real party in interest is CGI Technologies and Solutions Inc. of Fairfax, Virginia, the assignee of the subject application.

**II. RELATED APPEALS AND INTERFERENCES**

There are no other prior or pending appeals, interferences or judicial proceedings known to appellant, the appellant's legal representative, or the assignees which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**III. STATUS OF CLAIMS**

Claims 1, 2, 4, 5, 7-10 and 12-16 are rejected. The rejection of claims 1, 2, 4, 5, 7-10 and 12-16 is being appealed.

**IV. STATUS OF AMENDMENTS**

No amendments have been filed subsequent to the final rejection mailed May 6, 2010.

**V. SUMMARY OF CLAIMED SUBJECT MATTER****Claim 1**

Claim 1 is directed to a method of handling international trade finance transactions. (see, for example, paragraphs [0039] and [0040] of the specification). The method includes automatically assigning work items corresponding to a trade commerce transaction financing and comprising issuances, advisements, amendments and payments, created by a computer in a customer service front office spoke to work groups having workers at remote geographically dispersed locations across multiple time zones according to routing and distribution rules (see, for example, paragraphs [0039], [0040], [0041], [0066], [0078], [0079], Figure 1 and Figure 18 of the specification). The work groups each have workers belonging to processing center hub back-offices having computers in different time zones to allow the work items to be handed off to workers within a work group as a first workday ends in one hub to workers within the work group in a second hub as a second workday begins (see, for example, paragraphs [0072] and [0078] of the specification). The method also includes processing, using at least one computer having a processor, at a consolidated centralized hub processing location coupled to customer service spokes, all the work items across multiple bank organizations (see, for example, paragraphs [0040], [0041] and [0066] and Figures 1 and 12 of the specification). Additionally, the method includes consolidating back office processing of the work items in real-time with constant processing availability by using workflow routing between the remote locations as the remote locations become available for handling the work items and using a consolidated computer database in processing the work items (see, for example, paragraphs [0039], [0040] and [0066] of the specification). Finally, the database has multiple base currencies, each base currency corresponding to a country source of the transactions (see, for example, paragraph [0039] of the specification).

**Claim 2**

Claim 2 is directed to a method of handling international trade commerce transaction financing (see, for example, paragraphs [0039] and [0040] of the specification). The method includes automatically assigning work items corresponding to a trade commerce transaction and comprising issuances, advisements, amendments and payments created by a computer in a customer service front office spoke to work groups having workers at remote locations in different time zones according to routing and distribution rules (see, for example, paragraphs [0039], [0040], [0041], [0066], [0078], [0079], Figure 1 and Figure 18 of the specification). Furthermore, the work groups each include workers belonging to diversely located processing

center hub back-offices having computers in different time zones to allow the work items to be handed off to workers within a work group as a first workday ends in one hub to workers within the work group in a second hub as a second workday begins (see, for example, paragraphs [0072] and [0078] of the specification). The method additionally includes processing, using at least one computer having a processor, at a consolidated centralized hub processing location coupled to customer service spokes, all the work items across multiple bank organizations (see, for example, paragraphs [0040] and [0066] and Figures 1 and 12 of the specification). Finally, the method includes consolidating back office processing of the work items in real-time with constant processing availability by using workflow routing between the remote locations as the remote locations become available for handling the work items and using a consolidated computer database in processing the work items, the database having multiple base currencies, each base currency corresponding to a country source of the transactions (see, for example, paragraphs [0039], [0040] and [0066] of the specification).

#### **Claim 4**

Claim 4 is directed to a method of handling international trade commerce transaction financing (see, for example, paragraphs [0039] and [0040] of the specification). The method includes accessing, through a user interface by a computer at a customer service front office spoke, and automatically assigning work items corresponding to a trade commerce transaction financing and comprising issuances, advisements, amendments, and payments to transaction financier staff including workers belonging to work groups in remote locations geographically dispersed across multiple time zones according to routing and distribution rules (see, for example, paragraphs [0039], [0040], [0041], [0066], [0078], [0079], Figure 1 and Figure 18 of the specification). Additionally, the work groups include workers belonging to diversely located processing center hub back-offices having computers in different time zones to allow the work items to be handed off to workers within a work group as a first workday ends in one hub to workers within the work group in a second hub as a second workday begins (see, for example, paragraph [0072] and [0078] of the specification). The method further includes processing by a single consolidated processing system using at least one computer having a processor coupled to customer service spokes, and workflow routing of the work items with Around-the-clock capability, the work items processed at the locations including multiple bank organizations in real-time using a consolidated database, the database having multiple base currencies (see, for example, paragraph [0039], [0040] and [0066] and Figure 1 of the specification).

#### **Claim 7**

Claim 7 is directed to a method of handling trade commerce transaction financing (see, for example, paragraphs [0039] and [0040] of the specification). The method includes initiating execution of a business object by a first application server belonging to a first processing hub at a first geographically distributed processing location of a plurality of geographically distributed processing locations dispersed across multiple time zones (see, for example, paragraph [0040] and Figure 1 of the specification). Additionally, the method includes handing the business object off to a second application server belonging to a second processing hub at a second geographically distributed processing location according to routing and distribution rules as a first workday ends and a second workday begins responsive to a guaranteed completion time based on Greenwich Mean Time to allow constant processing (see, for example, paragraphs [0040], [0072]-[0074], [0078], [0079] and Figures 1 and 18 of the specification). Each location includes user work stations connected to one of the application servers and having a processor and a trade finance interface (see, for example, paragraphs [0041] and [0043] and Figure 15A of the specification). The method also includes performing, by the application servers, back office trade finance business logic for processing international trade finance transactions based on the business object across multiple bank organizations in real-time responsive to initiation by the work stations with constant processing availability using a consolidated database in processing, at a consolidated central processing location coupled to said distributed locations and customer service front office spokes, and the database having base currencies corresponding to country sources of the transactions (see, for example, paragraphs [0039], [0040], [0041] and [0066] and Figures 1 and 12 of the specification).

**Claim 5**

Claim 5 depends upon claim 4 and includes handing off of the work items is referenced to a global system time (see, for example, paragraphs [0073] and [0074] of the specification).

**Claim 8**

Claim 8 depends upon claim 7 and the business object communicates by the application servers with a consolidated database server for data required by the business logic (see, for example, paragraph [0040] of the specification).

**Claim 9**

Claim 9 depends upon claim 7 and one of the work stations executes a business object (see, for example, paragraph [0040] of the specification).

**Claim 10**



Claim 10 depends upon claim 7 and a communication object communicates between the interface and the business object (see, for example, paragraph [0044] of the specification).

**Claim 12**

Claim 12 depends upon claim 7 and the business logic is performed relative to a trade instrument identified on said interface, the trade instrument having a trade document associated therewith and said system further comprising an image server storing an image of the document and a link to the instrument, allowing the interface to retrieve the image from the instrument (see, for example, paragraph [0062] of the specification).

**Claim 13**

Claim 13 depends upon claim 7 and connection and transport objects provide communication between said interface and said business object (see, for example, 118 and 120, paragraph [0046] of the specification).

**Claim 14**

Claim 14 depends upon claim 7 and the interface includes only input output logic (see, for example, 62, paragraph [0043] of the specification).

**Claim 15**

Claim 15 depends upon claim 7 and recites an object communication service requesting attribute values for fields of a window of said interface (see, for example, paragraph [0044] and [0045] of the specification).

**Claim 16**

Claim 16 depends upon claim 7 and recites an attribute manager accessing an attribute object for an attribute of the business object (see, for example, paragraph [0047] and 124 in Figure 5 of the specification).

**VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

The ground of rejection to be reviewed on appeal is the rejection of claims 1, 2, 4, 5, 7-10 and 12-16 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter.

## VII. ARGUMENT

### A. Claims 1, 2, 4, 5, 7-10 and 11-16 are not indefinite for failing to particularly point out and distinctly claim the subject matter

A non-final Office Action was mailed on July 28, 2009 by Examiner Jagdish Patel. Examiner Patel acknowledged that he was newly assigned to the instant application and that Appellants' arguments with respect to previous rejections under 35 U.S.C. §102(e) over Clark (U.S. Patent Number 5,890,140) were persuasive and withdrew the rejection. However, Examiner Patel rejected the claims under 35 U.S.C. § 112, second paragraph and requested that the Appellants' representative to contact Examiner Patel.

Appellants' representative engaged in dialogue with Examiner Patel and scheduled and attended a personal interview on January 12, 2010 during which the Examiner insisted that further amendments be made to the claims. Despite requests for clarification, the Examiner was unable to clearly explain why such amendments would be required. Appellants filed an Amendment with a three-month extension of time on January 28, 2010. The instant final Office Action in question was mailed on May 6, 2010 despite Appellants' interview and attempts to overcome the rejections under 35 U.S.C. § 112, second paragraph.

MPEP 2173.02 clearly provides that the essential inquiry regarding the statutory requirement of 35 U.S.C. § 112, second paragraph is "...whether the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity." Furthermore, the "...[d]efiniteness of claim language must be analyzed, not in a vacuum, but in light of:

- (A) The content of the particular application disclosure;
- (B) The teachings of the prior art; and
- (C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made.

(Emphasis Supplied. See MPEP 2173.02)

In this case, it is submitted that the Examiner has succumbed to analyzing the claim language in "a vacuum." In particular, it is submitted that the Examiner has failed to properly consider analyze the claim language in view of the specification. Proper analysis of the specification would solve the issues raised by the Examiner in the final Office Action which is very likely a result of the Examiner's recent assignment to the instant application and limited time to review.

MPEP 2173.02 notes that "...[i]f upon review of a claim in its entirety, the Examiner

concludes that a rejection under 35 U.S.C. 112, second paragraph, is appropriate, such a rejection should be made and an analysis as to why the phrase(s) used in the claim is 'vague and indefinite' should be included in the Office action." It is submitted that the final Office Action failed to provide a proper analysis of "as to why" the phrases used in the claims were deemed to be "vague and indefinite" and that Appellants attempted to respond to the non-final Office Action as best as possible to advance prosecution in light of the shortcomings of the non-final Action mailed July 28, 2009.

This final Office Action asserted that "...[a]pplicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the (amended) claims would be understood by those skilled in the art in light of the specification." However, this is an improper interpretation of 37 C.F.R. § 1.111(b):

In order to be entitled to reconsideration or further examination, the applicant or patent owner must reply to the Office action. The reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the Examiner's action and must reply to every ground of objection and rejection in the prior Office action. The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. If the reply is with respect to an application, a request may be made that objections or requirements as to form not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated. The applicant's or patent owner's reply must appear throughout to be a *bona fide* attempt to advance the application or the reexamination proceeding to final action. **A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section.**

(Emphasis Supplied)

37 C.F.R. § 1.111(b) does not say that Appellants must specifically point out how the language of the claims would be understood by those skilled in the art in light of the specification, but merely that the Appellant must not provide "[a] general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section." It is submitted that Appellants did distinctly and specifically point out the supposed errors of the Examiner's action during the interview of January 12, 2010.

For at least the reasons that follow, it is submitted that claim 1 is not indefinite for failing to particularly point out and distinctly claim the subject matter.

MPEP 2173.02 notes that "...[t]he Examiner's focus during examination of claims for compliance with the requirement for definiteness of 35 U.S.C. 112, second paragraph, is whether the claim meets the threshold requirements of clarity and precision, not whether more suitable language or modes of expression are available." It is known that the test for definiteness under 35 U.S.C. 112, second paragraph, is whether "those skilled in the art would understand what is claimed when the claim is read in light of the specification." *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1576, 1 USPQ2d 1081, 1088 (Fed. Cir. 1986). It is submitted that claim 1, as an example, meets the threshold requirements of clarity and precision and that the Examiner has improperly rejected claim 1 under 35 U.S.C. § 112, second paragraph and that the rejection should be reversed.

It has also been established that "...whenever possible, the Examiner should make the record clear by providing explicit reasoning for making or withdrawing any rejection related to 35 U.S.C. 112, second paragraph." (See MPEP 2173.02). In this case, even if a rejection of claim 1 was warranted under 35 U.S.C. § 112, second paragraph, it is submitted that the Examiner has failed to provide explicit reasoning for making rejections under 35 U.S.C. § 112, second paragraph and that the rejections should be reversed.

The Office Action, on page 2, noted that "...the claims have been now amended and significant issues of indefiniteness have been raised to warrant the rejection." However, the claims were amended based on the specific demands of the Examiner as discussed during the personal interview of January 12, 2010.

The Office Action, on page 4, addresses the first paragraph of claim 1:

automatically assigning work items [corresponding to a trade commerce transaction financing and comprising issuances, advisements, amendments and payments, created by a computer in a customer service front office spoke] to work groups having workers at remote geographically dispersed locations across multiple time zones according to routing and distribution rules, [the work groups each having workers belonging to processing center hub back-offices having computers in different time zones to allow the work items to be handed off to workers within a work group as a first workday ends in one hub to workers within the work group in a second hub as a second workday begins].

(Brackets provided by the Examiner)

The Office Action notes that "...[t]his limitation is interpreted as being manually assigning

the work items to work groups..according to ..rules. This renders the claim indefinite[ness] because human actions are subjective and **abstract**. Furthermore, no specific routing and distribution rules are defined that would enable a human to perform the assignment to work groups. Note that the portion of the claim limitation in brackets [] does not play any role in the assignment process. **This defect may be resolved by the assignment step is performed by a computer wherein the rules are accessed by the computer prior to automatically assigning the work items.**” (Emphasis Supplied)

However, by asserting that the features of the claim were “abstract,” and that the claim should be amended so that the assignment step is performed by “a computer,” the Office Action appears to confuse requirements of 35 U.S.C. § 112, second paragraph with requirements of 35 U.S.C. § 101. However, the Office Action failed to reject claim 1 under 35 U.S.C. § 101. Even if it is established that claim 1 failed to meet the requirements of 35 U.S.C. §101, this should have no bearing as to whether claim 1 meets the requirements of 35 U.S.C. § 112, second paragraph. Even further, for the reasons that follow, it is submitted that claim 1 would meet the requirements regarding 35 U.S.C. §101 in light of *Bilski v. Kappos*, 561 U.S. \_\_\_, slip op. p. 6-8 (2010).

The claims of the instant application are based on a parent application filed on February 1, 1999. At the time of the filing of the parent application, the applicable test for determining whether a “process” was patentable under 35 U.S.C. § 101 was whether the invention produced a “useful, concrete, and tangible result.” *State Street Bank & Trust Co. v. Signature Financial Group Inc.*, 149 F.3d 1368, 1373-74, 47 USPQ2d 1596, 1601-02 (Fed. Cir. 1998) Over ten years after the filing of the parent application on June 28, 2010 and after the mailing of the instant final Office Action, in *Bilski* the Supreme Court rejected the *State Street Bank* test and provided a new test for determining the patentability of a process under 35 U.S.C. § 101.

It is submitted that claim 1 meets this new test under *Bilski*. Claim 1 recites “a computer” and the Supreme Court in *Bilski v. Kappos* noted that “...the machine-or-transformation test is an important and useful clue, an investigative tool, for determining whether some claimed inventions are processes under § 101.” It is known that the recitation of some structure, such as a machine, or the recitation of some transformative component will in most cases limit the claim to such an application. (See *Interim Guidance for Determining Subject Matter Eligibility for Process Claims in View of Bilski v. Kappos*, 75 FR 43924 (2010-07-27)). Thus, because claim 1 recites “a computer” it is submitted that claim 1 meets the requirements of 35 U.S.C. § 101 because claim 1 meets the “the machine-or-transformation test” and it is submitted that claim 1 does not have an alleged “defect” as asserted by the Examiner.

MPEP 2106 regarding Patent Subject Matter Eligibility specifically notes that

While abstract ideas, natural phenomena, and laws of nature are not eligible for patenting, methods and products employing abstract ideas, natural phenomena, and laws of nature to perform a real-world function may well be. In evaluating whether a claim meets the requirements of section 101, **the claim must be considered as a whole to determine whether it is for a particular application of an abstract idea, natural phenomenon, or law of nature, and not for the abstract idea, natural phenomenon, or law of nature itself.**

(Emphasis Supplied)

In *Bilski v. Kappos*, the Court analyzed claims 1 and 4 and concluded that because the claims were merely related to the concept of hedging and reduced to a mathematical formula that they were an unpatentable abstract idea. *Bilski v. Kappos*, 561 U.S. \_\_\_, slip op. p. 15, (2010). The court further noted that "...[a]llowing petitioners to patent risk hedging would preempt use of this approach in all fields, and would effectively grant a monopoly over an abstract idea." *Bilski v. Kappos*, 561 U.S. \_\_\_, slip op. p. 15 (2010). On the other hand, the Court reiterated that a claim that is not an attempt to patent a mathematical formula, but rather related to an industrial process for molding rubber products as in *Diamond v. Diehr* would meet the requirements of 35 U.S.C. § 101. *Bilski v. Kappos*, 561 U.S. \_\_\_ slip op. p. 14 (2010).

When considering claim 1 of this application as a whole, it is evident that the features of claim 1 do not merely claim an abstract idea alone and that the claim would be a patentable "process." Claim 1 does not attempt to patent manual assignment of work items between workers in geographically distributed work groups, but rather the automatic assignment of work items created by a computer at one location to another worker in a work group at another computer according to routing and distribution rules so that the work item may be handed off to workers within a work group as a first workday ends in one hub to workers within the work group in a second hub as a second workday begins. This is not an attempt to patent a mathematical formula or an abstract idea such as hedging against the risk of price changes. Because claim 1 meets the "machine-or-transformation test," this even further reinforces that claim 1 is not "abstract" and it should not be understood that the claim is related to manually assigning work items to work groups.

Finally, it is submitted that recitation of human involvement in a method does not render a claim either indefinite or abstract and that the features as recited above meet the requirements of 35 U.S.C. § 112, second paragraph, 35 U.S.C. § 101 and as previously established by the Office, 35 U.S.C. § 102 and 103.

The Office Action, on page 5, addresses the second paragraph of claim 1:

processing, using at least one computer having a processor, at a consolidated centralized hub processing location coupled to customer service spokes, all the work items across multiple bank organizations, and consolidating back office processing of the work items in real-time with constant processing availability by using workflow routing between the remote locations as the remote locations become available for handling the work items and using a consolidated computer database in processing the work items, the database having multiple base currencies, each base currency corresponding to a country source of the transactions.

The Office Action asserted that "...the computer at the centralized hub is not communicably connected to the (automatic assignment) entity. It is therefore unclear how the assigned work items in the assigning step is received by the computer of the processing step. Furthermore, although the computer is located at a centralized hub processing location the customer service spokes, the process step does not dependent on this coupling... It is unclear whether all work items are processed at all remote locations concurrently. If this is the case the claim must recite[s] that the work items selected after the accessing are being distributed among the remote locations in succession."

MPEP 2173.02 notes that "...[s]ome latitude in the manner of expression and the aptness of terms should be permitted even though the claim language is not as precise as the Examiner might desire. Examiners are encouraged to suggest claim language to applicants to improve the clarity or precision of the language used, but should not reject claims or insist on their own preferences if other modes of expression selected by applicants satisfy the statutory requirement."

Regarding the assertion that it is unclear how the assigned work items in the assigning step are received by the computer of the processing step, the claim clearly indicates that "the work items" are processed by a computer at the consolidated centralized processing location. Furthermore, it is submitted that Appellants need not recite whether the work items are processed at all remote locations concurrently. The claims are made clear by the features that are specifically recited in the claims and that are not specifically recited in the claims and the Examiner has improperly demanded more than is required by 35 U.S.C. § 112, second paragraph by requiring that the claim recite additional claim features.

The Office Action also asserted that "...there is no indication in the claim that the work item assigned in the assigning step. Thus there is lack of proper antecedent basis in the claim." Appellants believe that the Examiner is asserting that there is a lack of proper antecedent basis



regarding "the work items," but the use of the word "the" clearly indicates antecedent basis.

The Office Action further asserted that "...the term 'processing' is vague and indefinite without specifically pointing out actions are performing via the processing term [processing is interpreted working on or doing something using the work items] and thus rendered indefinite." Appellants assert that this assertion made by the Examiner fails to make the record clear and Appellants are uncertain why the Examiner believes that the "processing" paragraph of claim 1 is vague and indefinite. The "processing" paragraph clearly indicates that the work items are processed across multiple bank organizations in real-time by using workflow routing and even further, because of the grammatical issues in the Examiner's explanation, there is a lack of clear reasoning provided in the rejection and Appellants are unable to determine why the features of the claim are deemed to be indefinite.

The Office Action continues by asserting on page 6 that "...[t]he claim does not define remote locations... Furthermore the claim does not define the 'roll over rules table' in terms of time line and the act of reassignment work [items] from one location to another location." However, as previously noted it is submitted that 35 U.S.C. § 112, second paragraph requires an inquiry into whether "those skilled in the art would understand what is claimed when the claim is read in light of the specification." *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1576, 1 USPQ2d 1081, 1088 (Fed. Cir. 1986). Thus, the Examiner's assertion is moot because the claim should be read in light of the specification, most importantly including the claims themselves. Claim 1 should not be found indefinite because the claims fail to recite features requested by the Examiner. Thus, it is submitted that the claim need not indicate whether the remote locations are predetermined and the claim does not recite "roll over rules table" so this issue is also moot.

The Office Action, on page 6, also asserted that claim 1 "...fails to point out (i) how, when, where and what specific aspects of the work items are processed in terms of the specific locations and (ii) how real-time and constant processing of the work items is accomplished." Again, it is submitted that Appellants need not amend the claims as demanded by the Examiner because "Examiners are encouraged to suggest claim language to applicants to improve the clarity or precision of the language used, but should not reject claims or insist on their own preferences if other modes of expression selected by applicants satisfy the statutory requirement." (See MPEP 2173.02).

The Office Action continues by asserting that "...the two processing steps appear to be directed to same intended result with different work flow arrangement having no interrelationship

thus the claim lacking clarity of the scope of the invention." Appellants submit that the interrelationship between the paragraphs of claim 1 is clearly indicated by the antecedent basis of terms used in the claim.

The Office Action, on the bottom of page 6, asserted that "...processing is intended to cover any thing and every thing concerning the finance work items including acts and items concerning the work items. Although the providing access step describes the finance work items broadly, no further steps are recited that specifically point out the listed features of the work items including issuances, advertisements, amendments and payments and how these provisions of the work items are accomplished via the processing steps."

First, it is believed that the Examiner meant "advisements" rather than "advertisements." Second, as noted above, this appears to be a demand to add features to the claim, and as noted above, the Examiner should not reject claims or insist on their own preferences if other modes of expression selected by applicants satisfy the statutory requirement. (See MPEP 2173.02). The above remarks by the Examiner do not address issues regarding clarity of the features of the claim, but rather are mere requests to add features.

Finally, the Office Action, on page 7, asserted that "...it is unclear how the process of the method claim achieves the stated objective of 'handling international trade finance transactions.'" However, this assertion is related to the preamble of claim 1. As noted in MPEP 2111.02, "[i]f the body of a claim fully and intrinsically sets forth all of the limitations of the claimed invention, and the preamble merely states, for example, the purpose or intended use of the invention, rather than any distinct definition of any of the claimed invention's limitations, then the preamble is not considered a limitation and is of no significance to claim construction." *Pitney Bowes, Inc. v. Hewlett-Packard Co.*, 182 F.3d 1298, 1305, 51 USPQ2d 1161, 1165 (Fed. Cir. 1999). It is submitted that the body of the claim fully and intrinsically sets forth the limitations of the claim and that the preamble is merely related to intended use.

Thus, in light of the above, it is respectfully submitted that claim 1 does meet the requirements of Title 35 and that claim 1 particularly points out and distinctly claims the subject matter. Moreover, because the Office Action has confused requirements of 35 U.S.C. § 112, second paragraph with requirements of 35 U.S.C. § 101 and there are a myriad of grammatical issues regarding the rejection resulting in difficulty in understanding of the reasoning for the rejection on the part of the Appellants, it is submitted that the Office Action failed to make the record clear and that the rejections should be reversed.

It is submitted that the rejection of claim 1 under 35 U.S.C. § 112, second paragraph

should be reversed.

**Claim 2**

It is submitted that claim 2 also particularly points out and distinctly claims the subject matter. The Office Action, on page 7, noted that “[i]t is suggested that this claim is redrafted such that the described computer databases and ‘at least one computer’ are stated as positively interactive with the specific steps of work items processing.” However, the above suggestion provided by the Examiner addresses issues related to 35 U.S.C. § 101 and the rejection under 35 U.S.C. § 112, second paragraph should be reversed. Furthermore, it is submitted that claim 2 does meet the requirements of 35 U.S.C. § 101 because claim 2 meets the “machine-or-transformation” test as described above.

**Claim 4**

The Office Action, on page 7-8, merely notes “see claim 2 analyses about (consolidated database and at least one processor.” As noted above, the above suggestion provided by the Examiner addresses issues related to 35 U.S.C. § 101 and the rejection under 35 U.S.C. § 112, second paragraph should be reversed. Furthermore, it is submitted that claim 4 does meet the requirements of 35 U.S.C. § 101 because claim 4 meets the “machine-or-transformation” test as described above.

**Claim 7**

The Office Action, on page 8, merely notes that “[t]he claim is rendered indefinite since it does not positively state the outcome of the process step ‘initiating execution of a business object.’” However, this appears merely to be a demand and as noted above, “Examiners are encouraged to suggest claim language to applicants to improve the clarity or precision of the language used, but should not reject claims or insist on their own preferences if other modes of expression selected by applicants satisfy the statutory requirement.” (See MPEP 2173.02). Because claim 7 does meet the requirements of 35 U.S.C. § 112, second paragraph, the rejection should be reversed.

**Claims 5, 8-10 and 12-16**

Claims 5, 8-10 and 12-16 depend upon the above discussed independent claims and it is submitted that the rejection under 35 U.S.C. § 112, second paragraph should be reversed.

**B. Conclusion**

In summary, Applicants submit that claims 1, 2, 4, 5, 7-10 and 12-16 do particularly point

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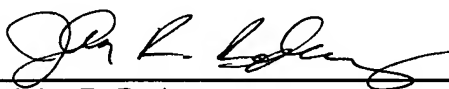
out and distinctly claim the subject matter. Furthermore, it is submitted that the Examiner has failed to make the record clear by providing explicit reasoning for making rejections related to 35 U.S.C. 112, second paragraph. Reversal of the Examiner's rejection is respectfully requested.

If there are any additional fees associated with filing of this Appeal Brief, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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## CLAIMS APPENDIX

1. (Previously Presented) A method of handling international trade finance transactions, comprising:

automatically assigning work items corresponding to a trade commerce transaction financing and comprising issuances, advisements, amendments and payments, created by a computer in a customer service front office spoke to work groups having workers at remote geographically dispersed locations across multiple time zones according to routing and distribution rules, the work groups each having workers belonging to processing center hub back-offices having computers in different time zones to allow the work items to be handed off to workers within a work group as a first workday ends in one hub to workers within the work group in a second hub as a second workday begins; and

processing, using at least one computer having a processor, at a consolidated centralized hub processing location coupled to customer service spokes, all the work items across multiple bank organizations, and consolidating back office processing of the work items in real-time with constant processing availability by using workflow routing between the remote locations as the remote locations become available for handling the work items and using a consolidated computer database in processing the work items, the database having multiple base currencies, each base currency corresponding to a country source of the transactions.

2. (Previously Presented) A method of handling international trade commerce transaction financing, comprising:

automatically assigning work items corresponding to a trade commerce transaction and comprising issuances, advisements, amendments and payments created by a computer in a customer service front office spoke to work groups having workers at remote locations in different time zones according to routing and distribution rules, the work groups each having workers belonging to diversely located processing center hub back-offices having computers in different time zones to allow the work items to be handed off to workers within a work group as a first workday ends in one hub to workers within the work group in a second hub as a second workday begins; and

back office processing of the work items across multiple bank organizations using at least one computer having a processor, and workflow routing between the remote locations across the different time zones in real-time using a consolidated computer database in processing the work items, the database having multiple base currencies, each base currency corresponding to a country source of the transactions, at a single consolidated hub processing

location having one or more computers coupled to customer service spokes.

3. (Withdrawn) A method of handling international trade commerce transaction financing, comprising:

accessing the international trade finance work items comprising issuances, advisements, amendments and payments and a document image related to the work item by the transaction financier staff through a user interface; and

processing, through a single consolidated processing system, the work item across multiple bank organizations in real-time and providing the image of the document with constant processing and image availability using a consolidated database in processing the work item, the database having multiple base currencies.

4. (Previously Presented) A method of handling international trade commerce transaction financing, comprising:

accessing, through a user interface by a computer at a customer service front office spoke, and automatically assigning work items corresponding to a trade commerce transaction financing and comprising issuances, advisements, amendments, and payments to transaction financier staff including workers belonging to work groups in remote locations geographically dispersed across multiple time zones according to routing and distribution rules, the work groups comprising workers belonging to diversely located processing center hub back-offices having computers in different time zones to allow the work items to be handed off to workers within a work group as a first workday ends in one hub to workers within the work group in a second hub as a second workday begins; and

processing by a single consolidated processing system using at least one computer having a processor coupled to customer service spokes, and workflow routing of the work items with Around-the-clock capability, the work items processed at the locations including multiple bank organizations in real-time using a consolidated database , the database having multiple base currencies.

5. (Previously Presented) A method as recited in claim 4, wherein handing off of the work items is referenced to a global system time.

6. (Withdrawn) A method of handling international trade commerce transaction financing, comprising:

Accessing, through a user interface, international trade finance work items comprising issuances, advisements, amendments, and payments; and

Processing, by a consolidated processing system, work items across multiple bank organizations in real-time using business objects having an object hierarchy with common code in ancestor objects, reusable service objects providing services only, reusable component objects and hooks within the objects allowing addition of code without altering the common code and using a consolidated database in processing the work item.

7. (Previously Presented) A method of handling trade commerce transaction financing, comprising:

initiating execution of a business object by a first application server belonging to a first processing hub at a first geographically distributed processing location of a plurality of geographically distributed processing locations dispersed across multiple time zones and handing the business object off to a second application server belonging to a second processing hub at a second geographically distributed processing location according to routing and distribution rules as a first workday ends and a second workday begins responsive to a guaranteed completion time based on Greenwich Mean Time to allow constant processing, each location including user work stations connected to one of the application servers and having a processor and a trade finance interface; and

performing, by the application servers, back office trade finance business logic for processing international trade finance transactions based on the business object across multiple bank organizations in real-time responsive to initiation by the work stations with constant processing availability using a consolidated database in processing, at a consolidated central processing location coupled to said distributed locations and customer service front office spokes, and the database having base currencies corresponding to country sources of the transactions.

8. (Previously Presented) A method as recited in claim 7, wherein said business object communicates by the application servers with a consolidated database server for data required by the business logic.

9. (Original) A method as recited in claim 7, wherein one of the work stations executes a business object.

10. (Original) A method as recited in claim 7, wherein a communication object communicates between the interface and the business object.

11. (Cancelled)

12. (Original) A method as recited in claim 7, wherein the business logic is performed relative to a trade instrument identified on said interface, the trade instrument having a trade document associated therewith and said system further comprising an image server storing an image of the document and a link to the instrument, allowing the interface to retrieve the image from the instrument.

13. (Original) A method as recited in claim 7, further comprising connection and transport objects providing communication between said interface and said business object.

14. (Original) A method as recited in claim 7, wherein said interface includes only input output logic.

15. (Original) A method as recited in claims 7, further comprising an object communication service requesting attribute values for fields of a window of said interface.

16. (Original) A method as recited in claim 7, further comprising an attribute manager accessing an attribute object for an attribute of the business object.

17. (Withdrawn) A method of handling trade commerce transaction financing, comprising:

providing access to trade finance work items comprising issuances, advisements, amendments and payments and a document image related to the work item and an instrument to the transaction financier staff at geographically distributed processing locations, each location located in a different time zone and including user work stations having a trade finance interface initiating execution of a business object, and

processing the work items and across the different time zones providing twenty-four hour seven day a week processing by assigning the work items to workers at different geographic locations having different work periods and providing the image of the document with constant processing and image availability items comprising issuances, advisements, amendments, and



payments, using a work flow distribution rules table and a rollover rules table with a rule making process at a consolidated central processing location coupled to said distributed locations and consolidating back office processing of the work items using a consolidated database in and comprising:

holding and executing, by an application server, the business object to perform trade finance business logic responsive to initiation by the work stations, a communication object communicating between the interface and the business object, and an attribute manager accessing an attribute object for an attribute of the business object;

storing a consolidated database comprising data required by the business logic and having multiple base currencies by a database server; and

storing an image of the document and a link to the instrument, allowing the interface to retrieve the image from the instrument, the document or the work item an image server.

18. (Withdrawn) A trade finance system, comprising:  
remote spoke user access locations providing access to trade finance work items; and  
a centralized hub processing location coupled to said remote locations and consolidating trade finance logic function processing of the work items.

19. (Withdrawn) A trade finance system, comprising:  
remote spoke user access locations providing access to a trade finance work item and located in different time zones; and  
a hub processing location coupled to said remote locations and performing trade finance logic function processing of the work item across the different time zones.

20. (Withdrawn) A computer readable storage media for controlling a computer by initiating trade finance processing of trade finance work items from geographically distributed locations and performing trade finance logic function processing the work items in a centralized location.

**VIII. EVIDENCE APPENDIX**

Not applicable

**IX. RELATED PROCEEDING APPENDIX**

Not applicable